

**CAUCUS PRIOR TO STRONGSVILLE BOARD OF ZONING &
BUILDING CODE APPEALS**

**Meeting of
July 27, 2011
7:30 p.m.**

Present - Board of Appeals Members: Glenn Goist; Rich Baldin; Frank Bohac; Bill Harr; Ken Evans

Administration: Assistant Law Director: Dan Kolick

Building Department Representative: Joe Allen

Recording Secretary: Kathryn Zamrzla

The Board members discussed the following:

1) DANA MARTIN, OWNER/ Bob Lavery, Representative

- a) Requesting a variance from Zoning Code Section 1252.15(a) to allow a Gazebo to be located in a side yard;
- b) Requesting a 2' Height variance from Zoning Code Section 1252.04(g), which allows a 12' Height and where a 14' Height is proposed in order to construct a Gazebo in a side yard; property located at 9003 Prospect Road PPN 391-19-055 zoned R1-75.

The Board did not discuss this new applicant.

2) FIAT OF STRONGSVILLE, Owner/Brilliant Electric Sign, Representative

- a) Requesting a variance from Zoning Code Section 1272.12(e) to allow a second 5'4" by 4' ground sign where only one ground sign is permitted;
- b) Requesting a 4" Sign Height variance from Zoning Code Section 1272.12 (e), which permits a 5' Sign Height and where a 5' 4" Sign Height is proposed in order to approve an existing ground sign; property located at 11800 Pearl Road PPN 392-26-009 zoned Motorist Service (MS).

Mr. Baldin stated that the large monument sign at the entrance to Progress Drive blocks the view of the Strongsville Dodge. Mr. Evans questioned the rest of the signage on the building and Dr. Goist stated that those other signs are the Architectural Review Board's responsibility and this Board should not be discussing additional signage already approved. Mr. Bohac stated that the proposed sign has been there for years without a variance and this applicant simply wants to change the face.

3) **MAI-LY NGUYEN, OWNER**

Requesting a variance from Zoning Code Section 1252.22 to permit a residential home without a garage; property located at 20528 Royalton Road PPN 392-33-025 zoned R1-75.

The Board stated that the owner will be remodeling the home that caught fire and that the owner should have to rebuild the garage.

4) **FRANK BARTLEY, OWNER/Amigos Construction, Representative**

Requesting a 10.67' variance from Zoning Code Sections 1252.16 (c) and 1252.32 (k)(3)E, which requires a 30' Rear Yard Setback and where a 19.33' Rear Yard Setback is proposed in order to enclose a deck; property located at 14051 Blackberry Circle PPN 398-10-096 zoned R1-75.

The Board asked Joe Allen if the deck can handle the load of enclosing the deck. Mr. Allen stated that an outside engineer would have to submit information explaining how the deck could support an enclosure.

5) **RICHARD PRICE, OWNER/The Great Garage Company, Representative**

- a) Requesting a variance from Zoning Code Section 1252.15, which allows one garage and where the applicant is proposing two attached garages;
- b) Requesting a 622 SF Floor Area variance from Zoning Code Section 1252.22 (c), which allows a 1000 SF Floor Area and where a 1,622 SF Floor Area is proposed in order to construct an attached garage;
- c) Requesting a variance from Residential Building Code of Ohio 2006 RCO R309.1, where the applicant has proposed sliding glass doors separating a garage and a residence in order to construct an attached garage;
- d) Requesting a variance from Residential Building Code of Ohio 2006 RCO R309.1.1, where the applicant has proposed an opening (windows) into the garage in order to construct an attached garage;
- e) Requesting a variance from Residential Building Code of Ohio 2006 RCO R309.3, where the applicant has proposed no floor drain or sloping floor; property located at 15563 Colebright Drive PPN 397-05-021 zoned R1-75.

Mr. Harr questioned whether the 21' side yard measurement on the drawing was accurate because he felt it was less space than 21'. Mr. Kolick stated the

Board may have to put some zoning contingencies on the variance if approved. The Board stated their concerns that there would be no floor drain in the room if they approved the variance. Mr. Harr questioned where the water would run to if a tank broke. The Board stated they are interested in what the neighbors have to say. The applicant stated they want to remove item (d). Mr. Allen stated that if the variance is approved and the owner sells the home, who is going to enforce the contingencies that the room not be used as a garage, especially without a floor drain.

6) BRAD HARRISON, OWNER/T & S Construction, Representative

Requesting a 4' Rear Yard Setback variance from Zoning Code Section 1252.32 (k)(3)E, which requires a 30' Rear Yard Setback and where a 26' Rear Yard Setback is proposed in order to construct a Three Season Room; property located at 13207 Long Boat Circle PPN 399-32-101 zoned R1-75.

The Board stated that the contractor is removing the old deck to construct the addition.

STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS

MINUTES OF MEETING

July 27, 2011

The meeting was called to order at 8:00 PM by the Chairman, Dr. Goist.

Present: Dr. Goist
Mr. Baldin
Mr. Bohac
Mr. Harr
Mr. Evans

Also Present: Mr. Kolick, Assistant Law Director
Mr. Allen, Building Department Representative
Ms. Zamrzla, Recording Secretary

Dr. Goist – Good evening, ladies and gentlemen. I'd like to call this July 27, 2011 meeting of the Strongsville Board of Zoning and Building Code Appeals to order. Kathy, would you call the roll please?

ROLL CALL: ALL PRESENT

Dr. Goist – I hereby certify that this meeting has been posted in accordance with Chapter 208 of the Codified Ordinances of the City of Strongsville. For all of you who are in the audience this evening that would like to speak before this Board, if you would please stand and our Assistant City Law Director will swear you in, if you want to speak, and, also, our Secretary and Mr. Allen in the Building Department.

Mr. Kolick then stated the oath to those standing.

Dr. Goist – Our meetings are in two portions, New Applications and then Public Hearings. This evening we have one new application and it is Dana Martin. Dana, if you would like to come forward, give us your name and address and then explain to us what you would like to do.

NEW APPLICATIONS

1) DANA MARTIN, OWNER/Bob Lavery, Representative

- a) Requesting a variance from Zoning Code Section 1252.15(a) to allow a Gazebo to be located in a side yard;
- b) Requesting a 2' Height variance from Zoning Code Section 1252.04(g), which allows a 12' Height and where a 14' Height is proposed in order to construct a Gazebo in a side yard; property located at 9003 Prospect Road PPN 391-19-055 zoned R1-75.

Ms. Martin – I'm Dana Martin, 9003 Prospect Road, Strongsville. Should I have my builder introduce himself also?

Dr. Goist – He may give his name and – do you want him to tell what you're going to do, Dana? Okay.

Bob Lavery – My name is Bob Lavery. I'm trying to help Dana put this project together. It's something simple as a...

Dr. Goist – Address? Your name and address, please.

Mr. Lavery – My name is Robert Lavery, III. I live at 10491 Milton Road in Garrettsville.

Dr. Goist – Can you spell your last name?

Mr. Lavery – L-A-V, like in Victor, E-R-Y.

Dr. Goist – Thank you. Okay, and if you'll just walk us through what she is asking for and the variances that she'd like.

Mr. Lavery – Yes, sir. She came to me and I had some friends from Strongsville that asked me to help her with this project. It's basically she wants to put a gazebo, and I realized there was going to be ordinance issues. Her lot, when you look at it, when you're facing east – she's on Prospect toward the north entry of Berea, and when you look at her house, the manmade valance is heavy to the right because the house is on the right side of the property and the creek is on the left and the one ordinance issue of the 12', the elevation of the driveway slopes down 5' to where the building would be and we're trying to build it up 2' on a platform so the creek, when it overflows, can flow through it and not enter the gazebo, not put it under water to floor level. The other issue is the not meeting the setback line from the back of the house, it's actually about 14' in front of the back setback on the gazebo at the back of the house. We're trying to put it in the side yard and I realize the hardship status is weak, but it's basically her – her yard, if you look at it, we brought some pictures, but when you look – she wants the sight line when she comes out of her house to look to the north, and that's where the creek and all is, that's – basically, it wouldn't hinder the house, particularly

1) **DANA MARTIN, OWNER/Bob Lavery, Representative, Cont'd**

Mr. Lavery continues - with the spruce out in the front on the – which would be the west side of the property, the front yard. It's not actually – it's actually going to be kind of screened back there, you wouldn't even see it, and that's primarily why she'd like it and if you set it further back the water actually pools deeper back there, and we're trying to just keep it above water.

Dr. Goist - I have seen – I've been to her property and looked at it. I understand everything that you said, but it's good that you explain it so that we get it in good form for the secretary. I'm going to let the other Board members give their questions on – my only reason for saying is you're in that flood plain or that flood zone, but you're already allowing for that coming up. I assume that's why you need to go to 14' because the gazebo's really 12' high, but you want to go up 2' to stay out of the water if you can.

Mr. Lavery – Yes, sir. Right, and being 5', when you walk off the driveway that plain is actually 5' lower in elevation already, so from the driveway you're actually only 9' above.

Dr. Goist – Well, and I can see where there's definitely a flood plain there and the problem is I know when I was there the other day, they had just finished cleaning the basement from the recent flood, so she got a sewer backup as well, not just a storm period, but a sewer backup. So, I feel for her in that respect. Board members, do you have questions? Mr. Bohac?

Mr. Bohac – No, not until I see the property. Thank you.

Dr. Goist – Mr. Baldin?

Mr. Baldin – Yes, Mr. Chairman. I have seen the property and she does have a very nice piece of property there with the extra lot that does go down and as the Chairman said, it's definitely in a flood plain and she did have some temporary stakes out there already for where she thought that this would go. You are quite a ways from anybody north of you. I mean, that is a big hunk of land. You're looking at 60' from, basically, your house line to where you want to put the gazebo right now, right? And there's got to be another 100' feet before you run into another house, at least, I would assume, if not further.

Mr. Lavery – I'd say eighty or a hundred, for sure.

Mr. Baldin – Yes. The only thing is I was looking at the property. I understand where you're coming from, but I was thinking maybe – our Code calls for this to be in the back yard and your back yard is pretty concentrated and a little narrow, and with the property that you have, I think it's the right idea to put it there but I think maybe you might consider maybe moving it back a little bit. I think you do have enough land. You happened to be there today when I was there, and she told me and showed me, you know, the land varies in height in different areas. But keep that in mind, think about that. That's all I have to say.

1) **DANA MARTIN, OWNER/Bob Lavery, Representative, Cont'd**

Dr. Goist – You can change your mind before your Public Hearing if you decided you want to set it in a different spot, if you were listening to what he is proposing. It doesn't mean you have to. It's just – Mr. Baldin's saying he thought maybe it would be better if you would move it back a couple of feet. That's for you to kind of decide but you may come in and say, hey, that's a good idea.

Ms. Martin – Would I say that...

Dr. Goist - Go ahead, come right up to the microphone.

Ms. Martin – Would I be saying that tonight, or the next meeting or the -

Dr. Goist – No, you don't have to decide tonight, but should you change your mind, you should get together with Kathy so that you can tell her. Does she need to have that in by tomorrow, Kathy?

Ms. Zamrzla– No.

Dr. Goist – Okay. Just if you change your mind, let Kathy know before that goes out because the people will get informed as to what you're doing for your Public Hearing.

Ms. Martin – I mean, could it be, like if I say, okay, I'll move it back 2' or 3' -

Dr. Goist – Yes.

Ms. Martin - Is that – I mean, is -

Dr. Goist – Yes.

Ms. Martin – Okay.

Mr. Baldin – Yeah. It's your prerogative, and until the other Board members probably get out there and really see the property, you know, but that was just my suggestion right now. I mean, our Code says no, you can ask to have it there. Okay? But I think with the hunk of property that you do have, a gazebo would look very nice there, but I think moving it back, you know, you're not asking for much of a variance here. So just keep that in mind, like the Chairman said.

Mr. Harr – Mr. Chairman?

Dr. Goist – Mr. Harr?

Mr. Harr – Mr. Kolick, there wouldn't be any change unless she gets behind the rear of the building, correct?

1) **DANA MARTIN, OWNER/Bob Lavery, Representative, Cont'd**

Mr. Kolick – No. Whether they move it 2' back, 4' back, they're still going to be in the side yard. I think the only thing that the Board member is referring to is the idea is to keep it out of view, maybe moving it back a little may do that. But it's not going to change your variance. Your variance is going to be the same here and it's going to go out in a Public Hearing notice. No matter what, it's still going to be in the side yard, but if you do decide to move it back, just give them another drawing that shows it back a couple feet of where you're going to put it and try to mark it where you're going, where you've decided to ultimately put it.

Ms. Martin – Because I think like just with our last big rain, because I was like looking at it and in that back corner more water and then it narrows down to go into under the bridge, so where I planned on putting it, it kind of stops in that area. Back farther would probably - will get hit by the water.

Mr. Kolick – Well, that would...

Ms. Martin - That's why I was kind of, you know, bringing it up, you know, like up there.

Mr. Kolick – That would be a reason maybe you don't want to move it back, so that's something you have to look at.

Mr. Harr – Mr. Chairman?

Dr. Goist – Yes?

Mr. Harr - That was actually one of my questions. So the water flow here is towards Prospect? So most of your flooding occurs kind of at the bend there by the garage, the worst of it, if you will?

Ms. Martin – Yes.

Mr. Harr – Okay. Is it indeed one parcel, as indicated here on the aerial view? These aren't two lots, this is one piece.

Ms. Martin – This is one lot.

Mr. Harr – Okay. And you don't own the piece immediately north of you, that's someone else, across the creek.

Ms. Martin – Right, that is another house there.

Mr. Harr – Okay. Any idea what the frontage of the lot is? How wide it is?

Ms. Martin – No.

1) **DANA MARTIN, OWNER/Bob Lavery, Representative, Cont'd**

Mr. Lavery – I'd say...

Mr. Harr – I mean, based on your measurements, got to be 120' or 150' or something like that.

Mr. Lavery – That's probably pretty close. Maybe 140'.

Mr. Harr – I don't have any other questions until I view it. Thank you.

Dr. Goist – Mr. Evans? Any questions, Mr. Evans?

Mr. Evans – No, I shook my head. I'm sorry, Mr. Chairman. I'll speak next time.

Dr. Goist – Oh, okay. There are no other questions and your Public Hearing will be August the 10th, so we will see you back here. And if you should decide to change that, let the Secretary know and we will see you back on the 10th.

Ms. Martin – Thank you for your time.

Mr. Lavery – Thank you.

Dr. Goist – As I had told you, you don't have to stay for the rest of the meeting.

PUBLIC HEARINGS

2) **FIAT OF STRONGSVILLE, OWNER/Brilliant Electric Sign, Representative**

- a) Requesting a variance from Zoning Code Section 1272.12(e) to allow a second 5'4" by 4' ground sign where only one ground sign is permitted;
- b) Requesting a 4" Sign Height variance from Zoning Code Section 1272.12(e), which permits a 5' Sign Height and where a 5'4" Sign Height is proposed in order to approve an existing ground sign; property located at 11800 Pearl Road PPN 392-26-009 zoned Motorist Service (MS).

Dr. Goist - And now we're going into our Public Hearings. First Public Hearing is Fiat of Strongsville and there should be a representative from Brilliant Electric Sign. If you would give us your name and address please and explain what you're asking for.

Mr. Harrison - My name is Major Harrison. I'm with Brilliant Electric Sign, located at 4811 Van Epps Road in Cleveland, Ohio, 44131 and we are seeking a variance to allow an existing internally illuminated ground sign on a parcel where there is an additional ground sign. This is a lot that contains a used car lot, it's for Fiat, and a new car dealership and they currently have, the new car dealership, excuse me, currently has an existing ground sign and there is an

2) **FIAT OF STRONGSVILLE, OWNER/Brilliant Electric Sign, Representative,
Cont'd**

Mr. Harrison continues - existing ground sign for the used car lot. When we originally made a permit application we went in to replace the faces. This lot used to be a Dodge dealership and our customer just wanted to replace the faces with a Fiat ground sign and we were told that no permit had been pulled to do the original ground sign and that we would need to seek a variance to change out the faces for this. This is a photo.

Dr. Goist – If you give us a photo, we will keep it.

Mr. Harrison – And I'm sure that you've seen the drawings of what we are proposing to do for the faces, so, at any rate, we feel that this is a somewhat of a practical difficulty, considering that this has been an existing ground sign for some time. We believe that this conforms with the neighborhood and that the setbacks are all correct and according to Code. There are many ground signs on Pearl Road, pretty much all with the same setback, and at this point we would be open to suggestions and to respectfully request that you grant the variance to allow us to change out the faces for this.

Dr. Goist – I was on vacation when you did the first presentation and I know that when talking in caucus one of the questions was is this all one parcel? This is only one parcel, even though there were two – there was the Dodge dealer and then the used cars; it's still one parcel, is that correct?

Mr. Harrison – That is correct, sir.

Dr. Goist – Is there one owner?

Mr. Harrison – That is correct.

Dr. Goist – Okay. That was my question. I just didn't know if we were dealing with two different entities now.

Mr. Harrison – No, sir.

Dr. Goist – Board members? Mr. Bohac?

Mr. Bohac – Yes, Mr. Chairman. After being out there, my only question is I see you have Strongsville's Finest Used Cars. Is there any reason there is not a Fiat Used Cars on that, rather than a Strongsville?

Mr. Harrison – Well, I don't believe that they solely sell Fiat used cars.

Mr. Bohac – Well, I know that. Okay.

2) **FIAT OF STRONGSVILLE, OWNER/Brilliant Electric Sign, Representative,
Cont'd**

Mr. Harrison – Right. And this was the decision made by the general manager to have it say Strongsville Used Cars.

Mr. Bohac – Okay. No other questions.

Dr. Goist – Mr. Baldin?

Mr. Baldin – Yes, Mr. Chairman. As I mentioned in caucus, with the new industrial sign to our industrial parkway just put up, it does sort of block the request on the 8' sign. I don't have a real problem. Did Brilliant Electric Sign put these signs in originally, do you know?

Mr. Harrison – No, sir.

Mr. Baldin – And I assume that the sign that's out there right now, the smaller sign, that was probably put up a long time ago, maybe without even a permit, as far as we know. I don't think we've looked into that.

Mr. Harrison – In conversation with the Building Department, we went back to see if any variances had been granted to allow the ground sign and we were informed that none had been granted and with that, we were working with the Building Department to see if a permit had been pulled. We suspect that no permit had been pulled for that because we would assume that a variance would have been needed to install a second ground sign on the same parcel. We have no knowledge if the lot or the parcel had been consolidated, but currently right now it is one parcel with one owner.

Mr. Baldin – Okay. And I think in caucus didn't it come up that it is set back far enough, Joe?

Mr. Allen – That's correct.

Mr. Baldin - I have no further questions.

Dr. Goist – I do have one question after Mr. Baldin asked that. Currently you have the Fiat sign there that is 8', correct?

Mr. Harrison – Yes, sir. Yes, sir.

Dr. Goist – And you did not request a variance for that sign.

2) **FIAT OF STRONGSVILLE, OWNER/Brilliant Electric Sign, Representative,
Cont'd**

Mr. Harrison – That was not our project, sir, so I am not privy to that information whether a variance had been granted for that sign. As far as I know, I know that the Planning Commission looked at that as well as all of the renovations for the new dealership and I think that that was just a part of that package. But to answer your question, no, I'm not sure if a variance had been granted for that and that is not our project.

Dr. Goist – I'll have to ask Mr. Kolick. Mr. Kolick, do you know, was that an ARB decision?

Mr. Kolick – Well, it would be a Building Department decision in conjunction with the ARB. ARB would look at it in conjunction with the Building Commissioner to determine if it complied with the Code. I mean, if they approved it, they must have made the determination between ARB and the Building Department that it complied with the Code. That's all I can tell you.

Mr. Allen – Mr. Chairman?

Dr. Goist – Yes, Mr. Allen?

Mr. Allen – Yes, they did make – I have a copy of their application and it was approved 5/9/11. It's a pylon sign.

Dr. Goist – Okay, thank you. The only thing you're asking to do is replace this 5' 4" sign with the new fascia, right?

Mr. Harrison – Just the faces, that is correct, sir.

Dr. Goist – Mr. Harr?

Mr. Harr – My comments, Mr. Chairman, I've been over that ground a number of times, last week with the parade, and I echo Mr. Baldin's comments. I think between the corner sign, the new sign for the industrial parkway is very nice, but it is sizeable. We've got some utility posts out there, we've got some trees that are planted along there and signage is difficult along that way to see, there's a lot going on right now. Put a couple cars outside of the lot and it gets even a little sportier. I think we established in the last meeting, or at least we discussed, the fact that although it is one parcel they definitely are distinct businesses. Seeing as Fiat is new to this area, I think it'll be a little while before you see used Fiats running around. So, you know, they are separate and distinguishable and I think the second sign is appropriate. That's all I have.

Dr. Goist - Thank you. Mr. Evans?

Mr. Evans – No comment. Thank you, Mr. Chairman.

2) **FIAT OF STRONGSVILLE, OWNER/Brilliant Electric Sign, Representative,
Cont'd**

Dr. Goist – This is a Public Hearing. If there is anyone in the audience who would like to speak for this variance? Is there anyone who would like to speak against this variance? Hearing none and seeing none, I'll entertain a motion.

Mr. Harr – Mr. Chairman, I'll make the motion that a request for a variance from Zoning Code Section 1272.12(e) to allow a second 5'4" by 4' ground sign where only one ground sign is permitted; and a request for a 4" Sign Height variance from Zoning Code Section 1272.12(e), which permits a 5' Sign Height and where a 5'4" Sign Height is proposed in order to approve an existing ground sign; property located at 11800 Pearl Road PPN 392-26-009 zoned Motorist Service (MS) be approved.

Mr. Baldin – Second the motion.

Dr. Goist – We have a motion and a second. Kathy, if you would call the roll please.

ROLL CALL: ALL AYES: MOTION CARRIED

Dr. Goist – Your variance has been approved. There is a twenty day waiting – I assume – usually when we're building, but even for signs – there is a twenty day waiting period, so then you may go to the Building Department and pull your permits.

Mr. Harrison – Thank you. Have a great evening.

Dr. Goist – Thank you. Our next Public Hearing is Mai-Ly Nguyen – I am saying that correctly?

Ms. Zamrzla – Mr. Chairman, I don't see the applicant in the audience.

Mr. Kolick – Why don't we just move it to the end of the agenda then, Mr. Chairman, for now.

4) **FRANK BARTLEY, OWNER/Amigos Construction, Representative**

Requesting a 10.67' variance from Zoning Code Sections 1252.16(c) and 1252.32(k)(3)E, which requires a 30' Rear Yard Setback and where a 19.33' Rear Yard Setback is proposed in order to enclose a deck; property located at 14051 Blackberry Circle PPN 398-10-096 zoned R1-75.

Dr. Goist – We'll move that to the end of the agenda. And our next Public Hearing is Frank Bartley.

Dr. Goist - If you'd come forward, please. And I assume you're a representative.

4) **FRANK BARTLEY, OWNER/Amigos Construction, Representative, Cont'd**

Mr. Ginnard - Yes, good evening. My name is David K. Ginnard, 6041 Stearns Road, North Olmsted, Ohio. I'm here representing as a construction consultant for Amigos Construction and representing Fran and Frank Bartley.

Dr. Goist – And again, if you will tell us what you're asking for.

Mr. Ginnard – They have an existing deck that was built in 2003. It comes off their house, 20' in width, 20' in length. At the present time, it has a – it doesn't come within - if you enclose it, it doesn't come within the setback variance. The setback variance, I was told, is 30' and this comes back – we would need a 10.67' variance to bring it back all the way. What the problem with the deck is is right now they can't use it because of the maintenance factor. They're in their early seventies and Mrs. Bartley has Lupus and she can't be out in the sun so she doesn't want to use the deck and the husband thinks it's such a waste of time. So, he wanted to screen it in, enclose it with a roof so that his wife could enjoy it, which would require a setback variance. The only reason that I looked at it in that perspective was because the structure of the deck itself, once you took the railings off, if you enclosed it in, walled it in, it would save them a lot of money due to the fact that they wouldn't have to replace the substructure. I just assumed, because of the fact that this is on record at the Building Department as a structure with a print and a permit and an inspection, it was okay, that the footing and the floor would be sound. If the floor and footing would be deemed by Mr. Allen as not to be sound, I wouldn't even need the variance because I would just suggest to them to tear it all down and just put 10' up off the back of the house. The only reason they're requesting to enclose the whole thing is to basically save the financing for having to move the whole thing in order to put up anything new.

Dr. Goist – Okay.

Mr. Allen – Mr. Chairman.

Dr. Goist – Yes, Mr. Allen.

Mr. Allen – Just to note, the requirements for a deck and the requirements for an addition, there's additional loading required for an addition, so even though he may have met the requirements as far as structurally for a deck, that may not mean the same for a house because it's got a roof and so forth you add on.

Mr. Ginnard – I understand that there's different requirements for an addition, but this wouldn't be like an addition, this would be more of a screened in porch.

Mr. Allen – Again, the load – you have a roof load now, snow load, it'll be additional load. So again, it may be a situation where you might just have to beef up what you have there. And if we do not have a drawing on file, you would have to provide a drawing so that I could obviously check to see if it meets our Codes.

4) **FRANK BARTLEY, OWNER/Amigos Construction, Representative, Cont'd**

Mr. Ginnard – I'm sorry, I'm....

Mr. Allen – If there is no drawing on file, then you would have to prepare a drawing and bring it to me.

Mr. Ginnard – Oh, there is one on file.

Mr. Allen – And then I would determine whether or not it meets our Code, because this is considered new construction, so it has to meet our current Code.

Mr. Ginnard – Right. Yeah, there is a drawing on file. When I went down to originally pull the intent to build permit we looked it up and they had an existing plot plan, an existing framing and foundation plan for the deck and the inspection sign-off on the deck from whoever the inspector was in 2003. Believe me, Mr. Allen, if you deem that this deck is not suitable enough – I mean, in my opinion of forty years, it is, but if you deem that it isn't suitable enough, I don't want to build anything on it. I'll tear it down or I'll move it back. I have already explained to the Bartley's that I'm trying to keep within a budget that they have and if you take the whole thing down and you're not putting 20' up, you're saving, you know, ten by twenty – two hundred square feet of material on what was proposed that could be, you know, put towards putting in, say, a pier footer foundation with a standard two by ten floor. That would be your call. I'm open to either way.

Dr. Goist – Okay. Again, Mr. Allen, when he's telling us that there is a permit pulled, that was on the deck, so all those things go with the deck, not necessarily with a new structure.

Mr. Ginnard – I understand, I understand.

Dr. Goist – And he's explaining that there is going to be a – there will be snow loading on the roof, and so the Building Department is going to want to know for sure what the substructure is there.

Mr. Ginnard - Yes, I understand.

Dr. Goist – Sometimes people have to dig down and say do we have what we – you know – somebody said this is what you're supposed to do. You said it was signed-off on, so we just have to -

Mr. Ginnard – Yeah, this is a type of project that I have done in the past in other suburbs, but never on a deck that was built by somebody other than myself. So, if it was a deck that was built by me, I am real aware of what the foundation footings are. I just assumed that, you know, the City wouldn't have to go through a lot of trouble to try and check the depth of the foundation and that if there was an inspection sign-off for the deck when it was built in 2003. I did see the paperwork visually when I was with the wonderful girl that was at the desk the day I first came in.

4) **FRANK BARTLEY, OWNER/Amigos Construction, Representative, Cont'd**

Mr. Allen – Again, the footers and so forth are probably designed correctly for a deck, not necessarily for an addition.

Mr. Ginnard – Exactly, exactly.

Dr. Goist – Also, I noticed by your drawing that we're calling it a screened-in porch, but these 5' by 5' areas of screen could very well be enclosed. And when you said it's just an enclosed area, are they planning on putting a subfloor on top of the deck?

Mr. Ginnard – I was planning on putting –

Dr. Goist – Putting carpet?

Mr. Ginnard – Yes, yes, I was planning on putting a floor – a ¾" tongue-in-groove floor on top of the existing decking before the walls go on.

Dr. Goist – Which would be an additional load.

Mr. Ginnard – Pardon me?

Dr. Goist – That would be an additional load then, also.

Mr. Ginnard – It would be an additional load in the floor, that's correct.

Dr. Goist – Because it looks like this – when I think of a screened-in porch, I think of mostly screen. This is maybe a half-screen or thereabouts. So, I'm just saying, somebody comes in and puts in jalousie windows, you know, it's a different -

Mr. Ginnard – Yes, if someone in the future was to do that -

Dr. Goist – Right.

Mr. Ginnard – Yes, then it -

Dr. Goist – And if we grant the variance, that variance stays with that house forever.

Mr. Ginnard – Maybe it – It's almost like if you put in windows, then it'd be silly not to put in a regular foundation and heat and make it a full part of the house, you know, in which case I would never ask for a variance to go out that far.

Dr. Goist – Okay. Let's go to our Board, and I'll start with Mr. Evans this time. Do you have questions?

Mr. Evans – I have no questions, Mr. Chairman.

4) **FRANK BARTLEY, OWNER/Amigos Construction, Representative, Cont'd**

Dr. Goist – Mr. Harr?

Mr. Harr – I don't have any specific questions. I mean, I've been at the site, there's a – there's foliage behind the property that would help obscure it a little bit. I guess I would just note that the deck – you know, the existing deck as I view it is like the highest deck in the back yards back there.

Mr. Ginnard – Yes.

Mr. Harr – And so we're certainly going to obstruct the sightline through the back yards.

Mr. Ginnard – Yes, the grade does go down towards the common area.

Mr. Harr – Yeah, so I guess my only concern would be if we have, you know, if we have neighbors in attendance, I'd like to hear what their thoughts are on it, but other than that, I certainly understand the Mrs.'s condition and her need to be able to get outside without being impacted negatively by sunlight and such. I don't have any specific questions about the project.

Dr. Goist – Mr. Baldin?

Mr. Baldin – Mr. Chairman, this gentleman, listening to him last time and listening to him again today, it seems to me that he's quite an astute contractor, knows what he's doing, it seems like and I don't have a lot of questions, and we do not normally give many variances out for enclosing decks, and there is somewhat of a hardship there this time because of an illness or a sickness, you might say. But again, I think we really have to look into the load factor, since you are tying in an addition. That's my only question. Thank you.

Dr. Goist – Mr. Bohac?

Mr. Bohac – Yeah, Mr. Chairman, I have to concur with what Rich said, but my only feeling is how can we possibly grant a variance without knowing what the load is going to be, and have Joe check it out before we could grant a variance. That's my only feelings. I mean, it's like putting the cart before the horse. If you don't know what the weight's going to be, how can we possibly in good conscience grant a variance, even though I know there's a hardship?

Dr. Goist – I would defer to Mr. Kolick, but I think we condition it with the fact that they meet all of the requirements of the Building Department.

Mr. Bohac – I don't have a problem with that.

Dr. Goist – And if they pull a permit and they meet all the requirements that are required for that kind of structure, then I think we can grant the variance conditioned to do that.

4) **FRANK BARTLEY, OWNER/Amigos Construction, Representative, Cont'd**

Mr. Bohac – Okay, I don't have a problem with that.

Mr. Allen – Mr. Chairman?

Dr. Goist – Mr. Allen?

Mr. Allen – Unless it meets the Code requirements – in essence, if the deck, after I – if I don't have sufficient information, I would require the applicant to have a licensed engineer, structural engineer, if he cannot provide me with that information to insure it complies with the Code.

Mr. Ginnard – Mr. Chairman, it was my understanding that even if the variance was granted that no construction could be done unless Mr. Allen and the Building Department, when the permit is actually, you know, requisitioned has already okayed the structure. As I said, if this structure, if Mr. Allen's department decides that this structure isn't suitable or is going to be a problem for - these people are in their seventies, so obviously someone else is going to be in the home in maybe twenty, twenty-five years, hopefully longer. If he deems that that structure isn't going to be right, then I wouldn't even build out that far. I would design a smaller structure because, as I said, Mrs. Bartley's main intent here is to use it as, basically, a summer reading room.

Mr. Harr – I think, Mr. Chairman, I mean, regardless, he has to meet Building requirements in order to get that permit issued, so it's really no different than us issuing a variance on a house placement or what have you, they still have to meet the Building Code requirements.

Dr. Goist – Okay. Any other questions? If not, this is a Public Hearing; is there anyone who would like to speak for this variance? Is there anyone who would like to speak against this variance? Seeing none and hearing none, I will entertain a motion.

Mr. Baldin – Mr. Chairman, I would like to approve a request for a 10.67' variance from Zoning Code Sections 1252.16(c) and 1252.32(k)(3)E, which requires a 30' Rear Yard Setback and where a 19.33' Rear Yard Setback is proposed in order to enclose a deck; property located at 14051 Blackberry Circle PPN 398-10-096 zoned R1-75, with some contingencies that they do meet all the Building Codes and requirements of the City of Strongsville.

Mr. Bohac – Second the motion.

Mr. Kolick – Mr. Chairman, just to note, to clean up the record, it is 10.67', as opposed to inches.

Mr. Baldin – 10.67', you're right.

Dr. Goist – And did you second, Mr. Bohac?

4) **FRANK BARTLEY, OWNER/Amigos Construction, Representative, Cont'd**

Mr. Bohac – Yes, I did.

Dr. Goist – We have a motion and a second. Kathy, if you would call the roll please.

ROLL CALL: ALL AYES: MOTION CARRIED

Dr. Goist – Your variance has been approved and, obviously, you seem to understand everything that we've said and so it behooves you to – there is still a twenty-day waiting period, but I'm sure you can talk with Mr. Allen and the Building Department and between you, you can kind of get some ideas of where things are going to go.

Mr. Ginnard – I'll be on that ASAP.

Dr. Goist – Thank you.

Mr. Ginnard – Thank you very much and have a good evening.

Dr. Goist – Our next variance - and so that we know because the Secretary just told me that our previous applicant for a Public Hearing is here, Mai-Ly Nguyen. But Mai-Ly, we have put you off to the end of the meeting, so we are going to go forward with our next applicant, and then we will come back to you.

5) **RICHARD PRICE, OWNER/The Great Garage Company, Representative**

- a) Requesting a variance from Zoning Code Section 1252.15, which allows one garage and where the applicant is proposing two attached garages;
- b) Requesting a 622 SF Floor Area variance from Zoning Code Section 1252.22(c), which allows a 1000 SF Floor Area and where a 1,622 SF Floor Area is proposed in order to construct an attached garage;
- c) Requesting a variance from Residential Building Code of Ohio 2006 RCO R309.1, where the applicant has proposed sliding glass doors separating a garage and a residence in order to construct an attached garage;
- d) Requesting a variance from Residential Building Code of Ohio 2006 RCO R309.1.1, where the applicant has proposed an opening (windows) into the garage in order to construct an attached garage;
- e) Requesting a variance from Residential Building Code of Ohio 2006 RCO R309.3, where the applicant has proposed no floor drain or sloping floor; property located at 15563 Colebright Drive PPN 397-05-021 zoned R1-75.

5) **RICHARD PRICE, OWNER/The Great Garage Company, Representative,
Cont'd**

Dr. Goist - And our next applicant is Richard Price. If you would come forward and give us your name and address, and, obviously, you have a builder with you or a rep, so if you both give us your name and address.

Rich Price – Hi, how are you doing? I'm Rich Price and the address is 15563 Colebright Avenue, Strongsville, Ohio.

Mr. D'Amico – My name is Tom D'Amico. I'm at 8550 Wallings Road, North Royalton, Ohio.

Dr. Goist – And see, now we know from caucus when we were talking, that there are only four variances being requested. One of them is not one that you had asked for.

Mr. Price – That's correct. Item (d), we're not requesting that.

Dr. Goist – So, if you will walk through the four.

Mr. D'Amico – All right. We are looking to make an addition to the pool room, swimming pool room. It's a large enclosed swimming pool, and we are requesting the first variance, which is for a second garage. This addition being deemed a garage by the fact that there is a garage door on it. There is a large garage door going on this in order to bring in large aquariums; that is what the addition is to be used for. The second variance is for the square footage, which is a 622 square foot variance. The third is for the existing sliding glass doors that are on the existing pool enclosure, which then will be inside this addition, which are not fireproof doors, they're glass doors. The last – they were asking for this floor to be level, as opposed to sloped to a drain or sloped to the door opening, because of the large aquariums going in here need to set on a level floor, and this will also be carpeted as well and then furniture placed in there, so we didn't want to slope the floor. So the building is not being used as a garage, yet the fact that it has the door on it makes it a garage, so therefore, that's why we're asking for the variances.

Dr. Goist – I guess I have – I know this doesn't sound like a real good question, but could you have built the structure without putting a garage door – I saw the aquarium that's in question, it's there and ready to be moved in, I saw it in the driveway when I was there the other day.

Mr. D'Amico – Well, if we didn't put a garage door on it, we wouldn't need to be here. Can we build it without a garage door? The aquarium coming in here is 14' by 7' by 6' 8" tall.

Dr. Goist – I did see that.

5) **RICHARD PRICE, OWNER/The Great Garage Company, Representative,**
Cont'd

Mr. D'Amico – And that's why we wanted the 16' wide garage door by 7' high in order to bring the aquarium in with a tow motor and that's just one of the aquariums. There are several but that is the largest one.

Mr. Harr – Mr. Chairman, for the applicant, the Chairman's question, could the building not be constructed on three sides? The aquarium existing is a problem to leave the property but could it not be brought in that way and then the building enclosed and so that it is actually an addition?

Mr. D'Amico – Yes, we could bring the aquarium in and then we build the building around it.

Mr. Harr – I get the whole problem with taking it out.

Mr. D'Amico – Right, exactly. We would have to cut the wall out or something.

Mr. Price – One of the problems is moving tanks around inside there. We wouldn't be able to get the forklift in and out. It would just be a lot easier with the door. You are right. We could do it without and it would just have to take an awful lot of planning and then never move the tanks again.

Mr. Harr – Right. There is no jack you could move those with. You have to have motorized equipment.

Mr. Price – The largest fish tank is 4,500 pounds.

Mr. Harr – Mr. Kolick, in the event they did something of that nature and put an addition in it's the garage door that is defining it as a garage. Does that eliminate the need for these variances?

Mr. Kolick – If there was no garage door and it was no longer a garage, and not being used or designed or intended in any way for cars or vehicles, yes. That would eliminate the need for the variances.

Dr. Goist – Do you understand that, Mr. D'Amico?

Mr. D'Amico – Yes, I do.

Mr. Kolick – Joe, did you look to see if it wasn't a garage and just an addition to the house if it would need any other variances? We didn't look at in that respect.

Mr. Allen – If it was an addition, it wouldn't need any variances. The only variances he needs are because of the garage door.

5) **RICHARD PRICE, OWNER/The Great Garage Company, Representative,**
Cont'd

Mr. Kolick – Thank you.

Mr. Baldin - Mr. Chairman?

Dr. Goist – Yes, Mr. Baldin?

Mr. Baldin – If that were the case and they were to put this huge tank in before the concrete slab you put the tank in, I assume you would still have to pour a drive to drive a pretty heavy loaded fork lift to get back there or else you're going to be sinking in the ground.

Mr. D'Amico – That is correct. That is why we need the drive.

Mr. Baldin – You need a hard surface to just get back there.

Mr. D'Amico – That is why the plan calls for a hard surface drive.

Mr. Baldin – But it still wouldn't make any difference. It wouldn't need any variances.

Mr. D'Amico – We realize that. We are here because of the garage door.

Mr. Harr – We understand. We are simply looking at other alternatives and looking at other options available to you and how much of a hardship this presents and maybe there is a workable way around it. I guess, Mr. Chairman if I may, Mr. Price you have already purchased the property. You own it. Did you contemplate this need before purchasing it or is this something – I may have asked you this two weeks ago and I apologize if I'm redundant – did you contemplate this when you bought the property or is this a decision that has been made subsequent to that?

Mr. Price – When I bought the property, it was because of the size of the lot and how much yard and land is there and how much bigger I can make my fish room than what I have now.

Mr. Harr – But you were unaware of the City's requirement.

Mr. Price – Right, I was unaware of all that. I thought being so big and completely surrounded by trees that it's just an addition. It's no big deal until I found out about the garage door.

Mr. Baldin – Again, Mr. Chairman, I assume Mr. Price that someday you might want to move that again. So, therefore, you do need that. Am I correct?

Mr. Price – It's a possibility but I got a way around that maybe. If you want to put it in some sort of contingency that if I was to move I would have to turn the garage door into a solid wall. Would that help things out?

5) **RICHARD PRICE, OWNER/The Great Garage Company, Representative,**
Cont'd

Dr. Goist – I would have to ask Mr. Kolick.

Mr. Kolick – Mr. Chairman, as I stated in caucus, I think what we would have to do is just indicate that it couldn't be used for cars, particularly with the sliding glass door leading into the house. It couldn't be used for cars or storage of flammable materials like gasoline. That would have to be a contingency if you were going to consider granting this type of variance as well as it couldn't be used for a business. The gentleman stated at the last meeting that he was not going to use it for a business.

Dr. Goist – I do have one question. In caucus we talked about it and I know there was an answer from Mr. D'Amico but you're building a garage and now if we have the garage door, it has no drain and the Code in Strongsville requires that a garage have a floor drain. My other question is and if one of these tanks should break and that is certainly a possibility because we infrequently in this area can get an earthquake and you have a tank that is bigger than some peoples swimming pools and if they broke and you're saying you're bringing in additional tanks – you obviously like big fish and big tanks – if we had some disaster like that, where is all this water going to go. You don't have a drain.

Mr. D'Amico – Fortunately, the way the lay of the land is and the way the house is built, all the levels step down towards the back yard, towards where this addition would be and the addition is off the swimming pool enclosure, which is a large enclosure. It's 70' by 40'. It's a large swimming pool enclosure. So, the water would go out the garage door and down the transverse pitch and even if it went into the swimming pool room, it would end up where all the swimming pool water is and where all the splash water goes. That all drains off and then from there where the back yard is it all drains off to the river. So, even if you were to have some catastrophe with one of the tanks, with 3" acrylic glass, I suppose it's possible it could break, that is where the water would go. If you had a drain –

Dr. Goist – Does the pool have a drain?

Mr. Price – There are drains all around the pool area for splashing.

Dr. Goist – No, but if you had to drain that pool, would it go outside and go to the reverse pitch in the back?

Mr. Price – No, there is a drain built into the filtration system and I believe it drains either to the sanitary sewer or to the river. I don't know. I wasn't there when it was built.

Dr. Goist – There is a river or creek in the back of your property right at the property line.

Mr. D'Amico - Right at the property line.

Mr. Price – No, it's right in the middle of the property.

5) **RICHARD PRICE, OWNER/The Great Garage Company, Representative,**
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Dr. Goist – I knew there was a creek but I didn't know where your property ended.

Mr. D'Amico – Oh, you go beyond the creek?

Mr. Price – Way beyond the creek.

Dr. Goist – Other questions?

Mr. Baldin – Mr. Chairman, I do have a question. You're requesting 622 additional square feet. Do you need that much?

Mr. D'Amico – I actually cut it down. We do because of the size of the tanks. I think you may have a layout of the furniture and the tanks and so forth in your paperwork there along with the photos.

Mr. Allen - Mr. Chairman?

Dr. Goist – Yes, Mr. Allen?

Mr. Allen – You had commented about the floor drain. A floor drain in the garage or sloping the floor to the main door of the garage is a requirement of the State of Ohio, not the City of Strongsville.

Dr. Goist – Thank you, and that is for the garage.

Mr. Allen – That's correct.

Dr. Goist – Other questions? Mr. Baldin?

Mr. Baldin – I have to think about this one a little while.

Dr. Goist – Any other questions?

Mr. Harr – I don't have a question. I guess as I take a look at the request though I see property that was purchased without the due diligence required. This was an extremely important aspect to you of having this home but you didn't check with the City. You didn't make sure that you could indeed do it. It's a non-conforming use. The property is already kind of non-conforming with the pool enclosure and now we're going to add these multiple variances and if we add these variances my concern is always that the new user is not going to conform. It's an impossible situation to patrol the use of that property should you sell it. So, I find it difficult and I wanted to ask you too, I mentioned in caucus and sir, you may know. You should have measured to the property line. I don't know if you have had a formal survey or not. The drawing indicates 21', not that that impacts the variance at all. I'm just

5) **RICHARD PRICE, OWNER/The Great Garage Company, Representative,**
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Mr. Harr continues - curious because I walked through there and it didn't feel like 21' between the side of the garage and the property line. I don't know if you have actually –

Mr. Price – Right now there is 5' of cement there that is like a walk around sidewalk and that will be removed. The driveway will actually go under the overhang that sticks out to the garage.

Mr. Harr – Right to the house.

Mr. Price – Right to the house.

Mr. Harr – It just didn't feel like 21'. You have yellow jackets in the vent back there.

Mr. Price – I know. I got bit. I was trying to get rid of them and I got bit twice.

Mr. Harr – I was like a youtube moment out there running around swatting yellow jackets.

Mr. Price – To clear up the other problem with that contingency maybe, if I were to sell the house I would close the garage door into a wall that would keep it from ever being a work shop or garage shop for anyone else. It would then become an addition and then the drain wouldn't matter. None of that.

Mr. Harr – Again, those types of restrictions are hard to follow up on. Who would know? Who would police it? Who would make sure you do it to Code?

Mr. Price – I don't know if this helps but I don't plan on moving.

Mr. Harr – They are very difficult after the fact to police and try to build those things into the title record.

Dr. Goist – Any other questions, Board members?

Mr. Evans – Mr. Chairman, the only thing I thought we should probably do is that it does appear there may be some individuals in the audience that are here tonight with an interest in this particular situation because they, sort of, paid attention to this one and I wanted to be sure that we as a Board communicate that the reason that this applicant is here for the variance is that the addition was planned with a garage door and because the garage door then identifies the addition as a garage, certain things have to happen for a garage. At our last meeting, we did ask whether or not there would be a business conducted and the applicant had said no. There was no intent to store vehicles but as several of the Board members have said the fact that this person might leave, sell the house and someone else might come in that we as a Board have to be aware of circumstances ongoing and that's a part of the reason that we're looking at what we could or couldn't do in terms of the variance. But, as has been

5) **RICHARD PRICE, OWNER/The Great Garage Company, Representative,**
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Mr. Evans continues - pointed out, if this were to be an addition to the home, it would not be here for the variance. The door is being requested for the idea of taking these tanks in and out with a tow motor. That's the reason that the garage door is proposed and that has set in motion a series of things that have led to these variance requests; but I just wanted to be sure that the people in the audience understood because oftentimes when we send the notification out, it lacks that depth of explanation and I just wanted to be sure that we filled them in. Thank you, Mr. Chairman.

Dr. Goist – Thank you. If there are no other comments, this is a Public Hearing. If there is anyone who would like to speak for this variance, please come forward. Is there anyone who would like to speak against the variance? If you would come forward please. Would you gentlemen have a seat please?

Mr. Baldin – Is this for or against?

Dr. Goist – Against. No one said they wanted to speak for.

Mr. Baldin – Okay.

Dr. Goist – If you would give us your name and address please.

Mr. Ayala - Good evening, I'm Michael Ayala, 15609 Colebright Road. I live right next door. I moved here about six or seven years ago because of the rural area and it's residential and the nature that I have in my back yard and right now as he was talking and just looking at the big pool building in the back, that's enough to look at right now. Putting in another garage, a two car garage, and a driveway along right next to my property, right next to my bedroom where I sleep at night, you might as well put up a parking lot and a business or a big manufacturing plant right next to me. That's not why I moved here.

Dr. Goist – Anything else?

Ms. Ayala - I'm Janet Ayala. I went and introduced myself to him as a neighborhood neighbor and in the process he was raking up the back yard and burning poison ivy and I did tell him that was poison ivy and that was toxic and stuff like that and he appreciated that and introduced himself and said he had two homes in Cleveland and that he was moving his business out here and that he had these huge fish. That's what he sold on the internet and this was the reason for this property. So, this is really surprising to me to hear that this is not his business property and then these huge trucks that are sitting in the driveway and the parties that go on and personally I don't think he lives there because I have really only seen him twice. I can't tell you how many young adults I've seen with the continuous parties to where one time they thought it was my daughter screaming in the back yard. Just to find out we all came outside because I was checking out – what is all the yelling. Remember it is summertime. We're in the house with air conditioning so you know it had to have been pretty

5) **RICHARD PRICE, OWNER/The Great Garage Company, Representative,**
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Ms. Ayala - loud for us to walk outside because I was going to get on my daughter and it wasn't her. My neighbors next door to us came out because they were going to get on my daughter and it was these young adults screaming about who took the last shot and it was very loud. I would have called the law if it would have been nine o'clock but since it was under nine o'clock and it just got out of hand and we had just come home to rest. I mean your home is your area to rest and have peace, now these fish tanks, if it is supposed to be for a personal use, why isn't it then into more of a home setting instead of an addition with these huge tanks? That's kind of unusual, don't you think and then with clearing out all these woods. We used to have deer and foxes. I was looking forward to the fox babies coming around but now nothing in our back yard comes around because everything has been stripped out and gutted.

Dr. Goist – Not out of your back yard.

Ms. Ayala – Not out of our back yard but theirs and there were huge burn piles and they burn all the time too.

Mr. Bohac - Mr. Chairman?

Dr. Goist – Yes?

Mr. Bohac – Excuse me, when you look at his property are you on the right or the left from the street?

Ms. Ayala – We are on the right.

Mr. Bohac – You are on the right. Okay, thank you.

Mr. Harr - Mr. Chairman?

Dr. Goist – Yes?

Mr. Harr – I guess I might just comment on a couple of things. One, as you probably gleaned from some of our lines of questioning here, the issue of a garage door is, kind of, a separate issue from the location of the structure. It may well be permitted in another form, just so you know. As an addition and what have you, there may not be any variances required and he may well be able to build back there. That would be a decision made by the Building Department and they would review that. This is not necessarily about the ability to build a structure there. It's about the ability to build a garage there.

Mr. Ayala – What about the aesthetics of the community?

5) **RICHARD PRICE, OWNER/The Great Garage Company, Representative,**
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Mr. Harr – That is something that may be taken into consideration but that's not what we're looking at here today. Just so you understand that aspect of it. While I appreciate your comments about the use of the property and so forth, those items are probably reserved for law enforcement or what have you should you have ongoing issues in that regard.

Mr. Ayala – Is there a certain setback off of my property that the driveway has to be off of because that is right next to my property that he plans on putting the driveway. Almost like putting a parking lot in someone's back yard.

Mr. Allen - Mr. Chairman? It's normally 2' off the property line.

Mr. Ayala – And there are no restrictions on tow motors going in and out? It's almost like I'm living right next to a manufacturing plant. There's going to be tow motors going back and forth and –

Mr. Kolick - Mr. Chairman? We do have a prohibition, as you probably picked up here, of any business being run out of there. So, if the tow motors are going in there just to bring in the initial aquariums, the City isn't going to have a problem with it but if there are tow motors running in there all hours of the day and night, then we know there is more than a personal matter being done but a business being done and then we would look at taking action because we made it very clear to the applicant that he cannot run a business out of that property. It is a residential neighborhood but I mean as far as putting in a drive, bringing in the tow motors to bring in the aquariums, there is no prohibition against doing that. Okay?

Mr. Harr – Mr. Kolick, just to be clear when we say running a business out of the property, storing any materials there that would be sold via the internet, via Ebay, via anything would be considered a business out of that property whether or not that company named that as the business location, correct?

Mr. Kolick – If there was activity being there, we would have to investigate and make our own determinations. We do allow certain home occupations where people do sell things over the internet from their home that doesn't run afoul of our Ordinances but if it's a business that runs afoul of our Ordinances after an investigation is conducted by the Building Department or Police Department then we would look at it. So, if there is a lot of activity and cars or employees coming in and out of there, that certainly would be contrary to our Ordinances and it's something that we would put a stop to.

Ms. Ayala – What number can I start calling on them?

Mr. Kolick – You can call our Building Department. For noise complaints as you were talking about before, call our Police Department. We do have certain noise restrictions and hour restrictions that they will enforce if there is a problem, just you have with any other neighbor without fish, it doesn't matter. We have those requirements. If there is a lot of

5) **RICHARD PRICE, OWNER/The Great Garage Company, Representative,
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Mr. Kolick continues - activities and cars coming in there and fish coming day in and day out, then we know it's a business and you would call the Building Department and then we would look at that. Okay?

Mr. Ayala – There are no restrictions as far as how many garages you can have when there is already a driveway there or garage there?

Mr. Kolick – There is a restriction. That's why they're here requesting a variance. Our Code only permits one attached garage. For a second garage, they would need this variance. That is the restriction that we have. We also have a size restriction and they are over that size restriction so they are asking us to vary that provision under the Code. So, no, there are restrictions on it. However, if they meet the conditions laid out under the Code for a variance then a variance would be in order. That's where this Board, after listening to their comments and all your comments tonight, will make that determination.

Dr. Goist – Good questions.

Mr. and Ms. Ayala – Thank you.

Dr. Goist – Is there anyone else? Would you like to come forward please?

Mr. Baldin - Mr. Chairman, as she is on her way up, I might also point out that there are two sheds on that property right now.

Dr. Goist – I saw that.

Mr. Baldin – I understand from Mr. Price that one was coming down. Is that correct?

Mr. Price – I was actually going to give it to her because she said she wanted it but I think I'll just burn it.

Ms. Planet – Kathryn Planet, 15511 Colebright Road, Strongsville, Ohio and I would like to clarify something. That is not a river that runs through there. It's just a creek. Sometimes there is very little water. It depends on the rain we have. So, it's not classified as a river. I would like clarification of item (c). I know you said that it's not a garage. You mentioned that the sliding glass door does not meet that fire requirement for a twenty minute fire rated door. My question about that is is there going to be any volatile materials in there? If it's classified as a garage will there be any vehicles that perhaps could cause fire or an explosion and jeopardize your residence as well as adjacent homes to the property.

Mr. Kolick - Mr. Chairman, as we mentioned originally here, if the Board is going to consider this, I have suggested to the Board that they put some contingencies on it that there be no vehicle storage there, there would be no gasoline storage permitted there and there be

5) **RICHARD PRICE, OWNER/The Great Garage Company, Representative,
Cont'd**

Mr. Kolick continues - no hazardous materials to be stored there. So, that would probably at least allay your concerns about the connection between the sliding doors and the home itself.

Ms. Planet – I guess my next question is who would be policing so that would not be the situation?

Mr. Kolick – We certainly rely on the community. It's usually complaint driven and if we get complaints that there are vehicles stored in there, that they are storing lawn mowers or gasoline cans are being stored in there, then it would be up to the City to police it. Now, I'm not going to say we're going to post someone out there to watch it day in and day out so we do rely on the community itself to file those types of complaints.

Ms. Planet – Thank you.

Dr. Goist – Is that all of your questions, Ms. Planet?

Ms. Planet – Yes, thank you.

Dr. Goist – Is there someone else who would like to speak against this variance?

Andrew Planet – My name is Andrew Planet, 15511 Colebright, Strongsville. I guess I'm a little mixed up here. They're going for a variance of 622 square feet for a garage. There was a situation on the street about six or seven years ago where this kind of a variance was turned down either by you or Council, I don't recall all the details at this point. Are we changing the rules now if it's a garage?

Dr. Goist – I think I can answer that question. We have not changed the rules.

Mr. Planet – Pardon me?

Dr. Goist – We have not changed the rules, they are still in effect. This gentleman came and asked for these variances, we have not said yes or no at this point. And I remember very well what happened before because we did grant the variance, this Board granted the variance for that garage, then Council overturned it. So, you said you couldn't remember. I can remember.

Mr. Planet - Well, that's why I said it.

Dr. Goist – Because it wasn't this kind of square footage and it was a completely different situation, totally different situation. So I do remember very clearly what happened.

5) **RICHARD PRICE, OWNER/The Great Garage Company, Representative,**
Cont'd

Mr. Planet – Okay, well I just was wondering, you know, what the situation was, the other one as compared to this.

Dr. Goist – I just – just so that you know.

Mr. Planet – Because I understand this could be a residential addition with no problem, from what I've heard here.

Dr. Goist – Correct.

Mr. Planet – And the end of the situation was with the garage up the street, why don't we build an addition for the residence and not worry about all these other variances.

Dr. Goist – Well, that's still an option for this applicant. We're here to consider variances and exceptions, that's what this Board does. That's why we're hearing this and so therefore we'll carry through with the hearing and then we'll decide.

Mr. Planet – Okay.

Dr. Goist – Thank you. Anyone else who would like to speak against this variance? If not, I'll entertain a motion.

Mr. Kolick – Mr. Chairman, it would be appropriate for the applicants if they care to make any other comments now, hearing what those objections are it's certainly their right to address them if they feel it's necessary, or we could act on it. One item I do have for Mr. Price, please before you burn it, whether it's a shed or anything else, I know it's an off the cuff comment, but we do have restrictions, so contact our Fire Department. I do not want either your house or any of the other houses in the neighborhood in some type of jeopardy by burning anything back there, please. If the applicants wish to make any other comments, it would be appropriate.

Mr. Price – Just to reply to what they have said, I did talk to that lady and she was very nice to me in the back yard as I was burning some trees down, the trees were coated in poison ivy and she told me what I can use to, you know, keep – everything was very nice and she even said if I wanted to keep on going on to her yard to please go ahead. We laughed, it was no big deal. The burning, we had the Fire Marshal come out and he told us what I can and can't do and since then we've followed the rules of that. I've got his number at home, so I will ask him about the barn. Thank you very much for letting me know. As far as the other thing, the tow motor, he – I forget the guy's name – mentioned that it's right outside his bedroom. Again, that would only be for moving in; and the noise she was talking about, I let my son who is 21, all of his friends from school, from college, all came over. The condition was I let them use the place to party, they help me move. I said okay and didn't think nothing of it. There wasn't that big of trouble, there was no police involved, nothing like that, but the

5) **RICHARD PRICE, OWNER/The Great Garage Company, Representative,**
Cont'd

Mr. Price continues - neighbor came over and expressed some concerns to me and I told her, assured her, it would never happen again, and it hasn't. As far as the big truck, I'm moving into a house, it's a 24' box truck like you get from U-Haul. The only reason it was there was I went to Columbus to my brother's shop, borrowed the truck and brought it up here. The only thing we're waiting to move still would be the fish room. So the truck was parked in the driveway. I got a citation, I've got to move it and find storage for it until I can move my tanks, before we turn in the truck to Columbus but that won't be an ongoing thing. I just want to clear these few points up.

Mr. D'Amico – Rich, there was also the concern about business use.

Mr. Price – Oh, yes, one other thing.

Mr. D'Amico – What is your business, your internet -

Mr. Price – My business is an internet business, I sell children's toys and I told her that. I think she just got a little confused. My fish - if you're selling fish – and you guys all know this, you've been to the pet store before – they have many tanks with twenty, thirty of each fish – you sell one, you sell ten, whatever, you keep on going. All my fish are very large because I've kept them for so long and I have one, maybe two of each kind, collectables, so there is no business of selling fish. I don't want to get rid of my fish, I love my fish. Was I clear on it?

Mr. D'Amico – Yeah.

Dr. Goist – You're not selling any fish over the internet then, is that correct?

Mr. Price – Oh, on the internet, absolutely not. I have in the past sold a fish or two to my friends, but that took them a great amount of money and a lot of talking me into it. I don't want to get rid of my fish, so there is definitely no business being ran off of the fish.

Dr. Goist – Thank you. We're glad you gave us that clarification.

Mr. Price – Also, it would be a very hard business to sell large fish. Everybody buys these fish in pet stores this big and they get too big for their tanks and then they either throw them in the river, take them back to pet stores, they end up dying. I let them grow, I collect them. So to try and sell a fish, I mean, would any of you want to buy a three foot long tiger shovelnose? I mean, not many people have the ability to store and take care of a fish of that size. So it wouldn't be a very good business, anyway.

Dr. Goist – Thank you. Mr. D'Amico, do you have anything else that you want to add?

Mr. D'Amico – No, sir.

5) **RICHARD PRICE, OWNER/The Great Garage Company, Representative,
Cont'd**

Mr. Price – Thank you.

Dr. Goist – Before the end of the meeting I'm going to just ask for a Finding of Facts and Conclusions of Law.

6) **BRAD HARRISON, OWNER/T&S Construction, Representative**

Requesting a 4' Rear Yard Setback variance from Zoning Code Section 1252.32(k)(3)E, which requires a 30' Rear Yard Setback and where a 26' Rear Yard Setback is proposed in order to construct a Three Season Room; property located at 13207 Long Boat Circle PPN 399-32-101 zoned R1-75.

Dr. Goist - And our last public hearing is Ms. – Oh, no, no. Oh, I'm sorry, I'm sorry. Brad Harrison. I apologize, I was skipping you.

Mr. Smith – Hi, my name is Kevin Smith. My address, 14055 Bagley Road, Middleburg Heights, Ohio. Thankfully, my situation is not nearly as complicated as the last one. We have an existing 22' by 12' deck that we want to remove entirely and replace with a 22' by 16' three-season room with a piered-type footings and – which will all go through the Building Department for approval prior to any permits and before we proceed with anything, and the topical land and retention to the swale and all that will all go through the Building Department for approval.

Dr. Goist – Very good. Any other comments from you? That's pretty straightforward.

Mr. Smith – Yeah, it's pretty straightforward, pretty simple.

Dr. Goist – After looking at it, it's pretty straightforward, so I'm going to let the Board members speak and ask any questions. Mr. Evans, would you like to start?

Mr. Evans – Mr. Chairman, not a question, but I guess an observation is that the way that the lot is laid out and the way that the home is positioned on the lot, there is certainly a dimensional hardship in terms of where the area is this could be added to the house and how it sits to the closest lot line. So as we look at hardships in terms of topography sometimes and lot layout and things like that, this is probably one of the more unusual ones that we've seen just in terms of combination of dimensions that would make it impossible to do anything else other than apply for the variance and try and do it in this way. And because the lots behind this are so deep, certainly it should alleviate concerns that we might have were those other lots to be closer. So, that's just an observation on my part.

Mr. Harr – Mr. Chairman. I agree with Mr. Evans. I think to make the depth of the room any shallower so that it would conform to a setback would really make it immediately functionally obsolete and one that really adds no value to the property whatsoever, so I don't

6) **BRAD HARRISON, OWNER/T&S Construction, Representative, Cont'd**

Mr. Harr continues - think you have much choice over there. You can at least set fair economic value for the addition with the variance.

Dr. Goist – Mr. Baldin?

Mr. Baldin – Mr. Chairman, I sort of have to concur with the observation that Mr. Evans has made, the way the lot is laid out and so forth, and you're not asking for a whole hell of a lot. I don't have any problems.

Dr. Goist – Mr. Bohac?

Mr. Bohac – Mr. Chairman, likewise, I was out there today, spoke to the owner and that's going to hopefully be a nice addition, as I mentioned to the owner, as he put up in Ledgewood, and I think it will be a nice addition to the house, family. I have no problem with it.

Dr. Goist – Okay, thank you. This is a public hearing. I'm going to ask if there is anyone who would like to speak in favor of this? If there is anyone who would like to speak against this variance? If not, seeing none and hearing none, I'll entertain a motion.

Mr. Evans – Mr. Chairman, I'd like to move that we approve a request for a 4' Rear Yard Setback variance from Zoning Code Section 1252.32(k)(3)E, which requires a 30' Rear Yard Setback and where a 26' Rear Yard Setback is proposed in order to construct a Three Season Room; property located at 13207 Long Boat Circle PPN 399-32-101 zoned R1-75.

Mr. Bohac – Second the motion.

Dr. Goist – We have a motion and a second. Kathy, would you call the roll please.

ROLL CALL: ALL AYES: MOTION CARRIED

Dr. Goist – Your variance has been approved. There is a twenty day waiting period and then you can go to the Building Department and pull your permits.

Mr. Smith – Thank you, sir.

Dr. Goist – Thank you.

3) **MAI-LY NGUYEN, OWNER**

Requesting a variance from Zoning Code Section 1252.22 to permit a residential home without a garage; property located at 20528 Royalton Road PPN 392-33-025 zoned R1-75.

Dr. Goist - And our last public hearing is Mai-Ly Nguyen. If you'll give us your name and address first, please, and I hope I said that correctly.

Ms. Nguyen - Mai-Ly. Mai-Ly Nguyen.

Dr. Goist – Mai-Ly Nguyen.

Ms. Nguyen – Yes.

Dr. Goist – Okay.

Ms. Nguyen – My name is Mai-Ly Nguyen, again. Address, 19644 Glenmar Way, Strongsville, Ohio.

Dr. Goist – Thank you. If you'll go over your request.

Ms. Nguyen – I am requesting that the property located at 20528 Royalton Road, garage not to be rebuilt. It was burned down and I'm simply requesting that I don't put it back up.

Dr. Goist – I know that you couldn't make the meeting at the time that you were supposed to be here.

Ms. Nguyen – Yes, I apologize, and thank you.

Dr. Goist – And we – that's okay and we did have a lengthy discussion in our caucus and one of the things that we had a little bit of a discussion about was the fact that there aren't very many homes, although there are some in Strongsville, that do not have a garage. And we as a Board find that very difficult that we would say we're going to go against the Code in the City of Strongsville. First of all, because we're here to consider the variances and we're here to make exceptions, but this is a very tough exception for us to make, to build a house without a garage. Now, I wasn't here at the last meeting, but I understand that you're going to rehab this house, not tear it down and rebuild it? It looks like – and I couldn't get in it when I was there the other day; obviously, it's boarded up to the point because of the fire. You're not going to tear it down, you're going to rehab it?

Ms. Nguyen – Yes.

Dr. Goist – I personally just want you to know I have a hard time with not building a garage, so I will let the Board members speak for themselves. Mr. Bohac?

3) **MAI-LY NGUYEN, OWNER, Cont'd**

Ms. Nguyen – I understand.

Mr. Bohac – I have to agree, since we know and I think we mentioned that to Mai-Ly the last time that all the homes that are – yes, there are some that are probably grandfathered in that are probably a hundred year old houses that are still around Strongsville that don't have garages, but if anything ever happened to them, they would definitely have to comply also to get back into the 21st century. So, my feelings are we have to rebuild it but I have one question. I happened to speak to – it has nothing to do with this, but, were there working fire alarms in that house at the time of the fire?

Ms. Nguyen – Yes.

Mr. Bohac – There were? Okay. Thank you.

Ms. Nguyen – The fire started in the garage, that's why the garage completely burned down.

Dr. Goist – Okay. Mr. Baldin?

Mr. Baldin – I just think that, Mr. Chairman, that the Code needs to be applied here. That's my only comment.

Dr. Goist – Mr. Harr?

Mr. Harr – I think there's a definite reason why the Code is in place to have garages with our properties. It is designed that way to consistently maintain property values throughout the City. I think while you may have personal reasons why it may suit you to not do that today, I would certainly think your neighbors and anybody in your immediate neighborhood would not want the value of their property diminished, they would want to see that value upheld so that long-term their property values would be upheld. So, it is there for that purpose, to make sure that we continue to maintain neighborhood property values and I think it's a Code worth upholding.

Dr. Goist – Mr. Evans?

Mr. Evans – Thank you, Mr. Chairman. Mr. Harr, at the last meeting, made the observation that it's not just a property value that's attached having a place to put the vehicles, but also for people to store other things and I think at this point that again what we look at is the long-term benefit to neighbors and everything of having a place where people can store things, as well as cars and even though you might be able to find renters who that's not necessarily a priority, I think the majority of the renters probably would want someplace to be able to store things in addition to a car and many times if you drive around our city, the garages are filled with things other than cars, so I think that that is a very important responsibility that we have as a Board is to look at that in the long-term. Thank you.

3) **MAI-LY NGUYEN, OWNER, Cont'd**

Dr. Goist – Also, I was not here at the last meeting, but my understanding is, as you just mentioned, this is a rental property for you.

Ms. Nguyen – Yes, it is.

Dr. Goist – And one of the reasons I would say, if this were a house that I wanted to rent, I'd sure like to have a garage, and I think most people - what I think is it's a benefit for you to. Not that we're going to say we're going to uphold the City Code, but I think we need to in this case. So I'm going to take a motion. Oh, this is a public hearing. Is there anybody who'd like to speak for this? Is there anyone who'd like to speak against this? If you'll come forward, please. If you'll give us your name and address, please.

Ms. Laufik – Good evening. Linda Laufik, 20352 Collier Drive and I am in full agreement with everything you have said this evening as to why a garage is needed, aesthetic value or aesthetic looks and the value, and I would certainly want a garage at my house as well. But my only question is why does she not want to build a new garage?

Dr. Goist – You know what, I guess in this case we're here to consider variances. That may be a personal reason, I – I'm – Certainly you can ask her, I have no problem with that. If you want to ask her why she doesn't want a garage, feel free.

Ms. Laufik – Why don't you want to build a new garage?

Dr. Goist – Okay, you need to come – Ms. Nguyen, you need to come forward again if you want to answer that, fine, if you don't.

Ms. Nguyen – Because I don't want to spend the money.

Ms. Laufik – I understand. That's all.

Dr. Goist – Good question and a fair answer.

Ms. Laufik – Thank you.

Dr. Goist – Okay. And there were two other people who said they'd like to...

Mr. Oddo – Hi, my name is Rick Oddo, I'm at 20558 Royalton Road. I'm west of the house next to me, which is Miss Nguyen's, and I was just coming up to say I was against it because what I think it was Mr. Harr said as far as property value and by not putting a garage in there and she does rent the house out and I'll be honest with you, I haven't been happy since she started renting it out. I went from a 4' fence to a 6' fence because they don't maintain the yard at all. My personal opinion is there should be a – I don't know if there is a law, but I think as far as anybody in Strongsville who wants to rent a house out, I think the owner should be responsible for the upkeep of the yard because as far as the grass getting cut once

3) **MAI-LY NGUYEN, OWNER, Cont'd**

Mr. Oddo continues - in a while, that's all it does is get cut. The sidewalk doesn't get blown, the bushes along between our yard and Miss Nguyen's yard are actually her bushes and I have pictures of them, I mean, I have a 6' fence and actually the tenant, the owner before that was eighty-eight years old, he used to cut the grass by hand and trim all those bushes. He didn't even have a riding mower because the lot's a 110' by 330' deep – well, it's 315' now because you widened the road. You know, when you have some – any of you people would not like to live next door to that house. That's all I have to say as far as that goes. And her reason behind it, I probably know what her reasons are, and I don't think Miss Nguyen would live in that house. You know? She's just renting the property out for whatever reasons. My wife may have something to say too.

Ms. Oddo – I agree.

Dr. Goist – Give us your name and address, please.

Ms. Oddo – I'm sorry. My name is Cheryl Oddo, 20558 Royalton Road. Yeah, our concern is exactly what you guys have already – you people have already expressed the aesthetics and storage areas. You know, like my husband said, they've had a hard time up-keeping the property now. How much harder is it going to be without having a storage space available to them? Yeah, I concur with what you guys have already said. You really just nailed it, what we wanted to say. You had already brought up those issues.

Dr. Goist – Well, I would like to say to the two of you as homeowners, and certainly we do defer to our legal counsel, but I think there are avenues for you to call the proper people in, I think, the Building Department. Is that correct, Mr. Allen?

Mr. Allen – Yes, Mr. Chairman, we handle maintenance calls.

Dr. Goist – And all you'd have to do is express your concerns for the lack of care and the City will certainly help you out. They will send some – I know they will send somebody out there. I mean, if we find – I mean, there are times when I used to walk and somebody had a section of concrete that never got replaced, they just left it there, like gravel. Well, it's okay until it gets to be a hole and then all of a sudden you don't want to break your ankle.

Mr. Oddo – Right.

Dr. Goist – But one call to the Building Department and they were right out there, and they didn't know me from – at that time, I wasn't on the Board and I just said, you know, this is a hazard. They took care of it immediately. There was new concrete in there within two weeks. So, I think you can do that and I think any responsible – we have lots of houses in Strongsville that are in foreclosure. People have abandoned them and I think there are avenues to have those at least try to keep them cleaned. I don't know, I may be wrong, there may be so many now that the City's backlogged.

3) **MAI-LY NGUYEN, OWNER, Cont'd**

Ms. Oddo – Well, we have worked with the people themselves and there were times where we would talk to them and there were times when – and they've all been nice renters, but they just – renters just don't seem to care as much about the property.

Mr. Oddo – They cut the grass and, you know, the grass blows on the sidewalk.

Dr. Goist – Oh, and I didn't mean to get into all that -

Ms. Oddo – Right.

Mr. Oddo – Right.

Dr. Goist - but I wanted you to know because you're coming up here as concerned neighbors and I think those avenues are open to you, they're very open.

Ms. Oddo – Okay, that's good to know. Thank you.

Dr. Goist – Anybody else that would like to speak against this variance? If not, I will entertain a motion.

Mr. Harr – Mr. Chairman, I'll make a motion that a request for a variance from Zoning Code Section 1252.22 to permit a residential home without a garage; property located at 20528 Royalton Road PPN 392-33-025 zoned R1-75, be approved.

Dr. Goist – Do I hear a second?

Mr. Bohac – Second.

Dr. Goist – We have a second. Kathy, would you call the roll, please?

ROLL CALL:

ALL NAYS:

MOTION DENIED

Dr. Goist – Ms. Nguyen, your variance has been denied, and we thank you for going through the process. And Mr. Kolick, again, if you will prepare the Findings of Facts and Conclusions of Law, please.

Mr. Kolick – I will. Thank you.

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Dr. Goist – Thank you. If there is no other business to come before this Board this evening, the meeting is adjourned.

Meeting adjourned at 9:26 p.m.

<u>Signature on File</u>	<u>Signature on File</u>	<u>September 7, 2011</u>
Dr. Goist, Chairman	Kathryn A. Zamrzla, Sec’y	Approval Date